

TOWNSHIP OF BEDMINSTER TOWNSHIP COMMITTEE  
AGENDA MEETING  
MARCH 3, 2008 7:00 PM

The Township Committee met on this date at 7:00 p.m. at the Municipal Building, One Miller Lane, Bedminster, N.J. Members present: Mayor Robert F. Holtaway, Committeeman Finn Caspersen, Committeewoman Sally Rubin, Committeeman Bernie Pane and Committeewoman Jeanne Maass. Others in attendance: Susan Stanbury, Administrator, John Mantz, PPWM, William Stephens, Police Chief and Judy Sullivan, Township Clerk.

Mayor Holtaway called the meeting to order and instructed Mrs. Sullivan to read the Open Public Meetings Act as required by law.

Adequate notice of this special meeting of the Township Committee was sent to the Bernardsville News, Bernardsville and to all subscribers and posted at the Township Municipal Building on January 10, 2008.

Mayor Holtaway led the Pledge of Allegiance.

### **Approval of Minutes**

On a motion by Committeewoman Rubin, seconded by Committeewoman Maass and a unanimous vote, the following minutes were adopted:

February 19, 2008, Regular Meeting @ 7:00 pm

### **Permits & Raffles**

On a motion by Committeewoman Rubin, seconded by Committeewoman Maass and a unanimous vote, the following permits were approved:

On-Premise Merchandise Raffle – May 28, 2008 @ FECC to  
benefit the Special Olympics of NJ

On-Premise Merchandise Raffle – May 2, 2008 @ FECC to  
benefit the Junior League of Morristown, Inc.

Social Affair Permit – June 17, 2008 @ FECC for The Hope  
Chest Foundation

### **Public Comments (comments limited to 3 minutes)**

Zaheer Jan, Timberbrooke Drive, requested an EDC update.

Mayor Holtaway explained that the attorneys filed interrogatories in December and they have yet to be answered. The hearing in March has been postponed until those interrogatories are answered.

Mr. Jan asked if he could review the documents. He was directed to contact the clerk and fill out an OPRA form.

### **Monthly Report Discussion by subcommittee chair**

Committeeman Pane reported that he and John Mantz are still reviewing the pesticide program. He attended a COAH meeting in Bernards Twp. where he felt that Bedminster was ahead of most towns and that there were many inconsistencies. He also attended the URWA breakfast on Wednesday with NJ Infrastructure Trust and will be at the JIF breakfast and the basketball awards.

Committeewoman Rubin stated that Banisch Associates is drafting a response for Bedminster regarding COAH and she will be attending a COAH meeting on Monday at 1pm in Trenton.

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Committeeman Caspersen noted that local companies are moving to Pennsylvania to avoid COAH requirements and he gave a recent example.

Committeewoman Maass attended the recent Board of Education meeting last Thursday night where Dr. Rinko gave the “State of the School” address. She hoped that details could be posted on our website with a link. She added that the teachers are in negotiations for a contract and the budget hearing is on March 27<sup>th</sup>. Spring Fling is next Friday night. She congratulated Charles Eader’s organization’s short documentary that won an Oscar Award recently. She added that the Somerset Hills School Board will reimburse Bedminster School for some of the high school tuition costs.

Mayor Holtaway stated that the COAH comments are due on March 27<sup>th</sup> and will be reviewed at our next meeting. The Highlands Council response was due on February 28<sup>th</sup> we got them there on time. Currently there are budget issues involving State cuts in Municipal Aid. It is still unclear as to where cuts in aid will be. He noted that this Saturday is the Land Trust Rally and he will be sitting on the panel.

### **Administrator’s Report**

Administrator Stanbury commented that there is a Bill being sponsored by the legislature to reduce the library tax cap levy (A1567). Mr. Caspersen stated he would follow up on it. She added that a PERC petition has been received from PBA 366 and a response must be filed by March 17<sup>th</sup>.

### **Discussion on Introduced Ordinances scheduled for public hearings (opportunity for public questions)**

None.

### **Introduction of Ordinances**

On a motion by Committeewoman Rubin, seconded by Committeewoman Maass and a unanimous vote, AN ORDINANCE AUTHORIZING THE ADDITION OF TWO POST AND BEAM PAVILIONS AT BURNT MILLS PARK AT A COST NOT TO EXCEED \$25,000.00. (Ord. #2008-01) This Ordinance would appropriate \$10,000.00 from the Capital Improvement Fund to be added to a \$15,000.00 grant from the 2007 Somerset County Youth Athletic and Recreation Grant fund for the installation of two post and beam pavilions at Burnt Mills Road Park. *The hearing is scheduled for March 17, 2008 at 7:00 pm.*

On a motion by Committeewoman Rubin, seconded by Committeeman Pane and a unanimous vote, AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BEDMINSTER, 1984, TO REVISE AND AMEND THE CHARTER FOR THE ENVIRONMENTAL COMMISSION AND THE OPEN SPACE-FARMLAND PRESERVATION COMMITTEE. (Ord. #2008-02) This Ordinance amends the Township’s General Ordinances regarding the Charter for the Environmental Commission and the Open Space-Farmland Preservation Committee as recommended by both groups after review by legal counsel. *The hearing is scheduled for March 17, 2008 at 7:00 pm.*

On a motion by Committeewoman Rubin, seconded by Committeewoman Maass and a unanimous vote, AN ORDINANCE AMENDING CHAPTER XIII ENTITLED “LAND MANAGEMENT” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BEDMINSTER, 1984, AS HERETOFORE SUPPLEMENTED AND AMENDED. (Ord. #2008-03) This Ordinance amends the “Land Management” ordinance regarding the requirements for the Environmental Impact Statement in connection with the submission of preliminary major subdivision plats and preliminary major site plans. *The hearing is scheduled for March 17, 2008 at 7:00 pm.*

On a motion by Committeewoman Rubin, seconded by Committeeman Caspersen and a unanimous vote, AN ORDINANCE AUTHORIZING THE PURCHASE OF A ROAD-SIDE MOWER AND TRACTOR FOR THE PUBLIC WORKS DEPARTMENT AT A TOTAL AMOUNT NOT TO EXCEED \$78,000.00. (Ord. #2008-04) This Ordinance will

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appropriate not more than \$78,000.00 from the Capital Improvement Fund for the purchase of a new roadside mower and tractor. *The hearing is scheduled for March 17, 2008 at 7:00 pm.*

**Public Hearing of Ordinances**

None.

**Consent Agenda** (Consent agenda includes items of a routine nature on which consensus has been previously reached. Committee members may remove any item from the prepared agenda for discussion & possible action later in the meeting)

On a motion by Committeeman Caspersen, seconded by Committeewoman Maass and a unanimous roll call vote, the Resolutions #08-047, #08-048, #08-049, #08-050 and #08-052 were adopted:

**Resolutions**

Charles Newcomb, Banisch Associates, gave a brief presentation on the Municipal Self Assessment for Bedminster Township. Mr. Newcomb stated that the filing of report is the next step after comments are received back from the State in approximately 45 days after submission. Mr. Newcomb stated that the Mayor should ask for any public comments on the Resolution that was passed at the December 17, 2007 meeting appointing Committeewoman Rubin, Planning Board Chairman Bill Mosca, Environmental Commission Vice-Chairman George Rodelius, and private citizens Jason Andris and John Morgan to the Plan Endorsement Citizen's Advisory Committee.

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Mayor Holtaway opened the floor for public comment and there was none.

Mayor Holtaway then opened the floor for public comment on the Municipal Self Assessment for Bedminster Township. Copies of the plan were available through the clerk's office. No comments were received from the public.

On a motion by Committeeman Caspersen, seconded by Committeeman Pane and a unanimous roll call vote, the Resolution #08-046 was adopted:

**Approval of Bill List**

Committeewoman Maass noted that PO# 130489 needed to be amended. Administrator Stanbury indicated the change would be made by the Finance Department and resubmitted for approval.

On a motion by Committeewoman Rubin, seconded by Committeeman Caspersen and a unanimous roll call vote, the bill list in the amount of \$290,496.09 was approved and will be placed on file in Supp. Book #16.

**Discussion Items** – Following discussion by Township Committee Members on each item, the Chair will open the meeting for public input.

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Environmental Commission Request to Apply for Grant from the Garden Club of Somerset Hills – Grant request for funds to seed approximately a 10-acre section in the Stahl Natural Area to attract grassland birds. Chairman Blinn was present to answer questions. He stated that the grant application had been submitted and the grant amount could be between \$150 - \$1,000.

Administrator Stanbury asked about the WHIP Application that had been recently submitted. Chairman Blinn was unaware of the application and would look into it.

**Old Business**

Use of Development Fees – Report from Michael P. Bolan, PP/AICP - Summary of recommendations from the Bedminster Township Affordable Housing Task Force. A meeting with COAH is scheduled on March 10<sup>th</sup> to discuss the proposed spending plan. Committeewoman Rubin stated Gail Richter of Parkside and representatives from other neighborhoods would also like a meeting afterwards.

Proposed Changes to Township Tree Removal Ordinance – Forwarded to the Environmental Commission for review and comment. It will be reviewed at their next meeting.

Proposed Round 3 COAH Substantive and Procedural Rules – Final comments must be submitted by March 22, 2008 on this matter. Comments will be discussed on Thursday night and presented at the March 17<sup>th</sup> meeting.

**New Business**

None.

**Public Comments** (comments limited to 3 minutes)

Susan Sands, a Cortland tenant, asked the Township Committee if they were aware of a 3-year lawsuit between the landlords of Cortland and Executive Property Management. She stated that the judge in the case signed a settlement last August and no repairs have been made. She added that she was the whistleblower to the DCA and Cortland was never properly registered with the State and so no inspections were ever made until this year. There are many health problems in the units such as mold, improper ventilation and even rats.

Committeewoman Rubin was sympathetic to the problems but stated these problems were between the landlord and the tenants and not a Township Committee issue. Attorney Belardo agreed.

Ms. Sands stated that Bridgewater did intervene in a similar case and used COAH funds to make repairs. She asked if a portion of the million dollars in the Township fund could be used in Bedminster.

Mayor Holtaway stated that the spending plan will be reviewed next week.

Ms. Sands added that eminent domain has been used by other towns to alleviate this type of problem.

Committeewoman Rubin again stated that this is not a dispute with the Township. The spending plan will offer interest free loans to homeowners to offset expenses.

Committeeman Pane suggested that the Board of Health get involved in the matter.

Ms. Sands stated that the Bernards Township Board of Health has been involved and has issued no violations.

Committeeman Pane stated he will contact the Board of Health for an update.

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Charles Eader, Wildflower Lane, suggested some cost saving measures during the budget process. He suggested that Township Committee members waive pension benefits and reduce their annual salaries. Eliminating medical benefits for the Township Committee should also be reviewed.

Bob Rogers, Board of Education, thanked Bedminster Township for allowing the Board of Education to use this building for their meeting last week.

### **Township Committee Comments**

Bernie Pane stated that URWA meeting will discuss the resolution regarding TNGC this Thursday (3/6).

Sally Rubin stated she will be away for the March 17<sup>th</sup> meeting.

Jeanne Maass reminded the group that Read Across America was celebrated today at the school.

### **Executive Session**

None.

### **Adjourn**

With no other business at this time, on motion of Committeewoman Rubin, seconded by Committeeman Pane and a unanimous vote the meeting adjourned at 8:05 pm.

### **Correspondence**

- a. Branchburg Township re: Ordinance #2008-1085 Amending the Land Development Ordinance by replacing sections 13-1 through 13-17 and Section 13-20 in Article 13 entitled "Affordable Housing". The public hearing is scheduled for March 10, 2008 at 8:00 pm.
- b. Bridgewater Township re: Resolution opposing the adoption of the Council on Affordable Housing Third Round Affordable Housing rules and regulations adopted on February 14, 2008.
- c. Tewksbury Township re: Ordinance #02-2008 Amending an ordinance whose short title is "Tewksbury Township Development Regulations Ordinance (2000)" that was adopted on February 14, 2008.
- d. Readington Township re: Letter of Opposition on the new COAH proposal and why it will result in Readington taxpayers having to subsidize low and moderate income housing from Julia Allen, Deputy Mayor.
- e. Washington Township re: Ordinance #RO-2-08 Amending Chapter 111, Land Use Procedures, of the Code of the Township of Washington to amend the definition of garage. The public hearing is scheduled for March 17, 2008 at 7:30 pm.
- f. Branchburg Township re: Ordinance #2008-1087 Amending the Land Development Ordinance by replacing Section 13-19 entitled "Affordable Housing Development Fees" in its entirety. The public hearing is scheduled for March 10, 2008 at 8:00 pm.
- g. Somerset County re: Resolution in support of A-1559 which authorizes Municipal Planning Board to adopt green building and environmental sustainability Master Plan elements.

Respectfully submitted,

Judith A. Sullivan

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Township Clerk